

Laura Egerman
McCalla Raymer Leibert Pierce, LLC
485F US Highway 1 S
Suite 300
Iselin, NJ 08830
Telephone: (732) 902-5399
NJ_ECF_Notices@mccalla.com
Attorneys for Creditor

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In re:	Chapter 13
Gail D. Aherne-Miller,	Case No. 23-12562-MBK
	Hearing Date: October 25, 2023, 10:00 a.m.
Debtor.	Judge: Michael B. Kaplan

OBJECTION TO PLAN CONFIRMATION

JPMorgan Chase Bank, N.A. (the "Creditor"), by its counsel, McCalla Raymer Leibert Pierce, LLC, states the following grounds as and for an Objection to Confirmation of the Debtor's Modified Chapter 13 plan (the "Plan"):

1. On or about May 23, 2011, Brightspan Medical Communications LLC ("Brightspan), by its CEO Robert B. Miller ("Robert") and by its President, Gail Miller ("Debtor") executed a Promissory Note (the "Promissory Note") in favor of Creditor in the principal amount of \$75,000.00 to JPMorgan Chase Bank, N.A. ("Creditor"). A copy of the Promissory Note is attached to Creditor's timely filed Proof of Claim 7-1.

2. Repayment of the Promissory Note was guaranteed, in part, by a Continuing Unlimited Guaranty (the "Guaranty") executed by Robert and Debtor. A copy of the Guaranty is attached to Creditor's timely filed Proof of Claim 7-1.

3. The amount due under the Promissory Note and Guaranty is \$72,998.17 as of the Petition Date. See Proof of Claim 7-1.

4. Despite having signed the Guaranty, Debtor's proposed Modified Plan disputes her liability under the Guaranty, instead asserting that payments are to be made outside plan by ex-husband. See Modified Plan, Docket 22, at Part 5.

5. Creditor was not a party to Debtor's and Robert's divorce proceeding and therefore cannot be bound by any divorce decree or property settlement agreement between them.

6. Debtor's obligation under the Personal Guaranty is not absolved by the terms of the Divorce Decree or Property Settlement.

7. Debtor's Plan must include proper treatment of Creditor's claim in the pool of unsecured creditors. Debtor's proposed Plan fails to provide for a successful plan of reorganization.

8. Creditor objects to any proposed plan by Debtor that fails to provide a feasible independent plan of reorganization.

WHEREFORE, Creditor respectfully requests that the Court deny confirmation of the Debtor's Modified Chapter 13 Plan for the reasons set forth above and for other relief as the Court may deem just and proper.

Dated: October 17, 2023,

McCalla Raymer Leibert Pierce, LLC
Attorneys for JPMorgan Chase Bank, N.A.

/s/Laura Egerman
By: Laura Egerman